IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 11975 of 2004

Between:

M.Raghuram, S/o Muni Krishnaiah,
H.No.20, Kamabam Street, Winterpet, Arkonam, Chennai

..... PETITIONER

AND

1 The District Collector, Ongole, Prakasam District
2 The District Level Scrutiny Committee, Ongole,Prakasam District
3 The Govt.of A.P.rep.by its Prl.Secretary, Social Welfare Dept.

Secretariat, Hyderabad
4 The manager, Printing & Stationery, Southern Railways, Royapuram, Chennai

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction more particularly in the nature of Writ of Certiorari declaring the action of the respondents canceling cast certificate by first respondent herein through Rc.No.C4/5616/98 dated 6-11-2002 without proper enquiry and evidence and terminating service from the 4th respondent employment is illegal, arbitrary and consequently direct the respondents to quash the orders of the first respondent herein through Rc.No.C4/5616/98 dated 6-11-2002 by setting aside termination orders from the service and holding that the enquiry conducted by the respondent not within the terms of enquiry

Counsel for the Petitioner: MR.KOONA REDDY ANJI REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR SOCIAL WELFARE

Counsel for the Respondent No.4: S.C.FOR RAILWAYS

The Court made the following:

HONOURABLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.11975 OF 2004

ORAL ORDER:

The petitioner approached this Court through this writ petition praying to quash the order of the third respondent dated 23-4-2004 rejecting the appeal petitions filed by him against the order of the first respondent dated 06-11-2002.

2. The petitioner is an employee in Southern Railways. He entered into service by producing a certificate that he belongs to Scheduled Tribe. His certificate was cancelled by the first respondent through the order dated 06-11-2002.

3. The petitioner, being aggrieved by the order of the first respondent, preferred an appeal to the third respondent on 16-12-2003 and the third respondent disposed of the said appeal on 23-4-2004 by passing the following order:

> "I am directed to inform you that your Appeal Petition filed before Govt. against the orders of cancellation of ST "Budaga Jangam" caste certificate by the District Collector, Ongole, Prakasam District, have examined and observed that the appeal petition is time barred, as per Rules issued in G.O.Ms.No.58, SW (J2) Department, dated 12.5.1997. Therefore, the appeal petition is rejected."

4. The petitioner, being aggrieved by the said order, filed the present writ petition questioning its validity and legality.

5 . The learned counsel for the petitioner submitted that the third respondent, without considering the merits of the matter, and without giving sufficient reasons, simply rejected the appeal on the ground that it is time barred. At the time of condoning the delay in preferring the appeal, the third respondent granted stay and called for the original records through its order dated 16-12-2003.

6. After going through the order of the third respondent, it is noticed that the third respondent did not advert to the points raised by the petitioner and did not consider the merits of the case. The third respondent also did not assign sufficient reasons to hold that the appeal is barred by time.

7. In the light of the above circumstances, it is essential in the interest of justice to set aside the interim order dated 16-12-2003 and the final order dated 23-4-2004 and to remit back the matter to the third respondent for fresh disposal, according to law after giving opportunity to both parties.

8. In the result the Writ Petition is allowed. The final order dated 23-4-2004 and the interim order dated 16-12-2003 passed by the third respondent are set aside. The third respondent shall restore the appeal to its original file and shall dispose of the same on merits as per Rules by assigning sufficient reasons, after giving opportunity to both parties.

Dr. G.YETHIRAJULU, J.

21st July, 2004.

SKM

Note:

C.C. by two days.

B/o.

Skm

TO

1 The District Collector, Ongole, Prakasam District
2 The District Level Scrutiny Committee, Ongole, Prakasam District
3 The Govt.of A.P. rep.by its Prl.Secretary, Social Welfare Dept.

Secretariat, Hyderabad
4 The manager, Printing & Stationery, Southern Railways,

Royapuram, Chennai

5 Two C.Cs. to GP for Social Welfare, High Court Buildings,

High Court of A.P., Hyderabad (OUT)

6 Two C.D.Copies.